



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

September 20, 2016

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. Benjamin Reaves was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Linda Peterson, Communications and Community Relations Director; Jessica Alvarez, Human Resources Director; Steve Mumford, Community Development Director; Mike Hadley, Senior Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities Director; Zac Hilton, Streets and Storm Drain Manager; Mack Straw, Public Utilities Manager; Ross Fowlks, Fire Chief; John Mulder, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.
 - A. Presentation – Alpine School District 2016 Bond, by Rob Smith
Rob Smith, Assistant Superintendent of Alpine School District, thanked Mayor Pengra, City staff and the Sheriff's Office for their response to the bomb threat yesterday at Eagle Valley Elementary School, and the follow-up today. Mayor Pengra thanked Mr. Smith for the district's communication with the City and the tremendous job the teachers did in evacuating the students.

Mr. Smith stated Alpine School District will present a \$387M bond issue for a vote on Election Day. He hoped the City would be willing to endorse the bond issue. After careful analysis, and with a AAA bond rating, the district proposed building one new high school, two middle schools and six elementary schools. They also planned to rebuild or renovate nine schools, update security at five schools and acquire property in four municipalities, including Eagle Mountain. Those projects represent the first four years of a ten-year plan. The bond wouldn't lead to a tax increase because of the growth in the area, creating a larger tax base and a quick repayment time.
 - B. Presentation – Citizen Survey, by Aaron Sanborn
Management Analyst Aaron Sanborn presented the results of the 2016 Citizens' Survey, focusing on what the City can do to improve. Overall, residents were satisfied with living in Eagle Mountain. Additional services requested (in random order) included economic development, a recreation center, retail stores, an improved and expanded sports program, additional amenities in City Center, a dog park, a library in The Ranches and teen activities.

Improved transportation within the City, as well as to and from other areas, was mentioned often.

C. Update – Neighborhood Match Grant Projects, by Aaron Sanborn

The City instituted a Neighborhood Match Grant Program using some of the utility sale proceeds. Neighborhood groups were invited to submit proposals, which would be funded by a combination of utility sale proceeds and funds raised by the applicants. Six projects were approved in the initial round of applications. They included the following:

- Improvements to the west entrance to The Ranches
- Improvements to Inverness Park and Upper Southmoor Park
- Beautification projects for Mt. Airey Village
- Rebuilding the SilverLake Amphitheater
- Installing a splash pad in Pioneer Park
- Installing a tot lot in Sweetwater Park

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards.

City Engineer Chris Trusty stated this ordinance reflects a standard now required by the State Division of Water Quality Division for cities with Municipal Separate Storm Sewer Systems (MS4). Under this standard, all storm water will remain in detention ponds on-site when a storm doesn't exceed a 90th percentile storm event. It will not run through piping to the City's storm water system. Ideally, when it percolates into the ground it will water trees and other vegetation. This could be very useful in watering vegetation along trail corridors and in other areas. The purpose is to manage storm water in a way that mimics the natural processes which occurred before development and construction.

The City will need to consider each building site to determine how to size the detention ponds.

Mayor Pengra mentioned the water conservation presentation made to the City Council last year by Brad Lancaster. In the location he described, each lot in a development retained as much water as possible. Any water that wasn't retained flowed through the subdivision, watering vegetation as it went. If there was any left after that, it continued on to water other areas.

14. MOTION – Consideration of the Oquirrh Mountain Ranch Phase A, Amended Preliminary Plat.

Planning Manager Mike Hadley stated this amendment would relocate and enlarge the park, removing two lots, and add a third, seven-lot phase to the preliminary plat. The new lots would replace previous multi-family lots.

When the developers were excavating lots as originally planned, they found bedrock under the lots. The amendment would move the building lots away from the bedrock area. Because the new design would be 23 points short of the required amenity points, the developers would like to meet that requirement with improvements to the petroglyph park.

Councilmember Gricius noted that condition #3 would need to be stricken, as it has already been completed.

Councilmember Bradley asked if a plan has been finalized for the petroglyph park. Mr. Hadley said was in process.

Councilmember Bradley didn't want to allow the amenity points to be used for the petroglyph park, since it was not located within the boundaries of the preliminary plat. He also didn't think the park was well designed.

15. BID AWARD – Consideration and Award of Bid to Geneva Rock for the 2016 Sunset Drive Improvement Project.

Discussion centered on whether City staff would be doing the paving for this project. Mr. Trusty said it would be possible to ask Geneva Rock for a bid on doing the paving, since City staff had a lot of projects needing completion.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 5:35 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. Benjamin Reaves was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Chief Deputy City Recorder; Aaron Sanborn, Management Analyst; Linda Peterson, Communications and Community Relations Director; Steve Mumford, Community Development Director; Mike Hadley, Senior Planner; Chris Trusty, City Engineer; Ross Fowlks, Fire Chief; John Mulder, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:01 p.m.

5. PLEDGE OF ALLEGIANCE

Tom Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Departments Moved** – Several departments previously located in the City Hall building have moved to the Community Development Building, located at 2565 N. Pony Express Pkwy. These departments are: Building & Planning (Community Development Department), Special Events, and Recreation. Phone numbers and email addresses have not changed.
- **Trick or Treat Village** – Save the date for free Halloween fun at Eagle Mountain City's annual Trick or Treat Village on Saturday, October 22 at Nolen Park from 10:00 a.m. to 2:00 p.m. Get your costumes on and come trick-or-treating at booths hosted by local businesses and organizations. Booth registration is only \$10. Register on the City website, Calendar.

7. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments.

None.

8. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Gricius

Councilmember Gricius thanked everyone for coming to the meeting. She was grateful for the positive outcome of yesterday's bomb threat, and told the first responders they were vital to the community.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone to the meeting. He announced that he would have to miss the next Council meeting or two.

Councilmember Bradley

Councilmember Bradley appreciated everyone who helped the children evacuate from the school yesterday, especially the teachers and the first responders. In reference to the man who made the bomb threat, he asked those who have friends or family members with mental health issues to help them.

Councilmember Curtis

Councilmember Curtis thanked everyone who helped with the situation yesterday and prevented any loss of life. He invited youth to join the Youth Council.

Mayor Pengra

Mayor Pengra said Councilmember Reaves had work obligations that kept him from attending the meeting. He read comments from Councilmember Reaves thanking everyone who kept the children safe during yesterday's bomb scare, and thanking those who have been compassionate towards the man's wife and family.

9. **PRESENTATION** – TM Crushing and Hadco Construction

John Hadfield, owner of T.M. Crushing and Hadco Construction, identified all of the agencies that regulate the gravel pit: The Federal Department of the Interior and the Mine Safety and Health Administration; the Utah Divisions of Natural Resources, Environmental Quality and Agriculture; Utah County and Eagle Mountain City.

He listed the actions T.M. Crushing has taken to mitigate dust:

- They now have a water nozzle at every drop point.
- They have paved their access road all the way to the pit, which they water and sweep daily.
- They added a weather station at the suggestion of the DEQ.
- They are pre-wetting the feed piles during good weather.
- They treated the unpaved roads with magnesium chloride.
- They are installing a booster pump and a water cannon to help keep dust down during storms.
- They are more stringent about checking the sweeping and watering employees in and out daily.
- They have hired a company to monitor dust. The monitoring showed that the dust remained at or below 10% opacity at the property line during high and low winds.
- Employees have been directed to shut the pit down when the wind reaches 25 m.p.h.

To control excess noise, they hired a company to do noise monitoring, which has been done at the freeway level and at a higher elevation. The monitoring was done while the noise was at its highest level. The noise was found to comply with the noise ordinance.

He showed pictures to demonstrate that their lights aren't any brighter than the other operations in the area, like Questar Gas. However, they have begun turning the lights away from the homes, turning the lights off at the end of the shift, and have stopped running the pit at the time the noise ordinance requires. Only maintenance and similar activities are done after that.

Mr. Hadfield said he's been asked what he'll do with the land after the mining operation ends. He said the property will be replanted and used for commercial or residential buildings. The company is considering moving its headquarters to Eagle Mountain.

Councilmember Bradley thanked Mr. Hadfield for his presentation. He said the installation of the traffic light has resolved most of his concerns. The nighttime light and noise were serious concerns in the past, but they've been alleviated since last summer.

Councilmember Curtis asked what Mr. Hadfield planned for the land. He was concerned about the appearance of this entrance to the City. Mr. Hadfield said he didn't expect the gravel pit to expand. When the mining operation was completed, the land would be used in the most economically useful way, as Mr. Hadfield and his partners are real estate developers, as well.

Councilmember Gricius thanked Mr. Hadfield for his presentation and for the measures he's taking to work through these issues. She requested a copy of the information he presented.

Councilmember Westmoreland thanked Mr. Hadfield for the measures he's taken to improve the gravel pit. He asked if something could be done about gravel spilling from the trucks as they're leaving the plant. Mr. Hadfield said his street sweeper works three days a week. He would make sure the trucks don't drive overloaded.

Mr. Hadfield mentioned that Hadco's trucks are only about 20% of the truck traffic. Most of the traffic comes from the other gravel pit. He said he would talk to the load operators and drivers about keeping the gravel properly loaded and level during transportation.

Mayor Pengra thanked Mr. Hadfield and said the effort and investment he's made have been very helpful.

Community Development Director Steve Mumford noted the Code Enforcement Officer, Mike Malay, has visited the gravel pit regularly. He's found much better compliance recently than there was earlier.

10. APPOINTMENT

A. Senior Advisory Board – Eva Bassett (2-year term, expiring December 2018)

MOTION: *Councilmember Gricius moved to appoint Eva Bassett to the Senior Advisory Council for a term ending December 31, 2018. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

CONSENT AGENDA

11. MINUTES

A. September 6, 2016 – Regular City Council Meeting

12. BOND RELEASE – Out of Warranty

A. Valley View Ranch, Plat D1

MOTION: *Councilmember Curtis moved to approve the Consent Agenda. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards.

This item was also discussed during Work Session. The minutes of the discussion are found on page 2.

This item was presented by City Engineer Chris Trusty. The proposed amendment to Section 15.50 of the Municipal Code would change the standards for storm drains. Specifically, it would require all new improvement projects to detain storm water on-site for all storms less than the 90th percentile storm event. This revision came in response to a mandate made through the State governing body for all municipalities with a Municipal Separate Storm Sewer System (MS4).

The intent of this change is to lessen the impact that construction activities and hard surface improvements have on the environment and to more accurately mimic pre-development rainfall patterns. Instead of water being released into the City system and eventually into larger outfalls for every storm, developments will now need to provide on-site detention for all lesser storms, and will only be able to discharge the water for less frequent, high-intensity storm events.

Because current detention requirements are based on a 100-year storm event, it is not anticipated that detention pond storage sizes will significantly increase. However, these changes will likely result in more of the storm water proceeding from a storm event being present in detention ponds until it has the ability to percolate into the ground. It is also possible that this will reduce the need for storm drain pipe through new subdivisions in favor of swales or open channel flow.

Mayor Pengra opened the public hearing at 7:35 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 15.50 of the Eagle Mountain Municipal Code for Storm Drain Standards. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, and Tom Westmoreland. The motion passed with a unanimous vote.*

14. MOTION – Consideration of the Oquirrh Mountain Ranch Phase A, Amended Preliminary Plat.

This item was also discussed during Work Session. The record of that discussion is found on pages 2 and 3 of these minutes.

This item was presented by Senior Planner Mike Hadley. The proposed Oquirrh Mountain Ranch Phase A, Amended preliminary plat would move a park and some lots and add a third development phase to the project. The plat included 55 residential lots, a three-acre church property, and a one-acre park. The subdivision is located south of Lone Tree on the west side of Pony Express Parkway. The project, as planned, lacks 23 of the required amenity points.

The Planning Commission recommended approval with conditions. During Work Session, the Council stated condition #3 should be stricken.

Councilmember Westmoreland was in favor of crediting the remaining amenity points to the petroglyph park, if the applicant provided a specific description of the way the points would be used.

Mayor Pengra invited the applicant, Ryan Kent, to speak to the Council. He said Plat 1 is nearly ready to be recorded. Work on the petroglyph park will commence shortly after that. The petroglyph area will be fenced and interpretive signage will be installed. The quality of the amenities will exceed the City's requirements.

Councilmember Bradley requested a final plan of the park. Mr. Kent pointed out that the only change being voted on at this meeting is moving the building lots to avoid trying to dig basements into the bedrock found under the original lots.

Mr. Mumford said, since the Municipal Code no longer required developers to pay community improvement fees, the fairest option was to give amenity points for park improvements.

Mr. Kent stated there is a specific plan for the park; however, it hasn't been completed by the landscape architect. The development agreement binds the developers to the 90-day completion after the plat is recorded.

Councilmember Curtis asked Mr. Mumford to clarify whether the Council would approve the park plan or if it would be finalized by City staff. Mr. Mumford responded it didn't need Council approval, but he could bring it to the next Work Session for discussion.

Mr. Cook stated the City didn't want to disclose the location of the petroglyphs, to keep them safe from vandalism. That was the reason the park plan was delayed.

MOTION: *Councilmember Bradley moved to approve the Oquirrh Mountain Ranch Phase A, Amended preliminary plat, with the recommended changes as presented in Council meeting, conditioned on receiving further details of the petroglyph park with the 23 amenity points that are missing on the preliminary plat. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

The conditions recommended by the Planning Commission and discussed by the City Council are as follows:

1. Bench drains and inlets that meet the City Engineer's approval shall be provided to handle storm water runoff on hillside lots.
2. The 20-foot building setback on the southern boundary must include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.
3. ~~The master development agreement shall be revised prior to the September 20 City Council meeting to reflect changes made to the master development plan in June, 2014.~~
4. The sidewalk on the southwest side of Oquirrh Ranch Parkway shall be increased to a minimum of six feet wide, in accordance with the master development plan.
5. Prior to recording any final plat, the Developer shall submit and receive approval from the City for a Petroglyph Park landscaping and preservation plan. The Plan shall comply with Section 7 "Petroglyphs/Rock Art" of the Amended and Restated Oquirrh Mountain Master Development Agreement.
6. Within 90 days of the first plat being recorded, Phase 1 of the petroglyph park shall be fully completed.
7. Within 90 days of the second plat being recorded, Phase 2 of the petroglyph park shall be fully completed.
8. Twenty-three additional amenity points are required.
9. The neighborhood park must be fully improved prior to recording the second final plat, or the cost of the improvements shall be divided amongst the lots within the second plat, and a separate cash deposit or cash escrow must be put in place with the City to cover 150% of the pro rata anticipated cost of the improvements.

10. The trailhead park shall be fully improved prior to issuing any building permits in the second final plat.
11. The Pony Express Parkway right-of-way landscaping shall be fully improved according to the timeline in Section 4K of the Amended and Restated Oquirrh Mountain Master Development Agreement.
12. A street lighting plan, which shall include sprinkler timers for power needs, will be required with final plats.
13. The color and design of fencing materials shall be provided to staff.
15. BID AWARD – Consideration and Award of Bid to Geneva Rock for the 2016 Sunset Drive Improvement Project.

This item was presented by City Engineer Chris Trusty. The proposed bid award to Geneva Rock was for improvements at the intersection of Wride Highway and Sunset Drive to accommodate the new traffic signal installed by UDOT. The improvements included a crosswalk, extension of the trail, installation of a storm drain and a detention pond, and widening of the road. The bid did not include paving.

Mayor Pengra asked City Administrator Ifo Pili what he thought of going back to the contractor and asking for a price on the paving, since the Streets Department was very busy.

Mr. Pili believed that, after the immediate projects were done, the Streets Department could look at additional projects.

Assistant City Administrator Paul Jerome stated all of the City's paving projects are dependent on the weather. Street repairs can't be done when the sub-layers get wet. The department was thinking about how to prepare during the winter for trail maintenance in the spring. They do crack repairs in the winter.

Mayor Pengra stated having an outside firm pave Sunset Dr. would free City staff to complete other projects, and the money has been budgeted. The trail projects needed preparation work which could be done during the winter.

Mr. Jerome agreed that using the budgeted funds, rather than doing the project in-house, would be a worthwhile benefit, due to speeding up the completion of other paving projects.

Mr. Trusty said he would ask Geneva Rock for a price on the paving for the project. He believed the price would be within the budget for the project.

MOTION: *Councilmember Gricius moved to award a bid to Geneva Rock for the 2016 Sunset Drive Improvement Project in the amount of \$235,389.50, with additional paving not to exceed a total of \$350,000 for the entire project, and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*

16. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Gricius

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley announced that there will be an Economic Development Board meeting on September 22 at 6:00 p.m.

Councilmember Curtis

No comment.

Mayor Pengra

No comment.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

19. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 8:10 p.m. Councilmember Gricius seconded the motion. Those voting aye: Colby Curtis, Stephanie Gricius and Tom Westmoreland. The motion passed with a unanimous vote.*